TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 616.

EX PARTE ROBERT H. MITCHELL, APPELLANT.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA.

FILED FEBRUARY 27, 1872.

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1 *Petition for habeas corpus.*

THE UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit.

EX PARTE ROBERT HAYES MITCHELL.

To the Honorable Hugh L. Bond and George S. Bryan, judges of the said court, sitting in said court, and for said circuit and district:

The humble petition of Robert H. Mitchell, of the State and district aforesaid, showeth that your petitioner is retained in the custody of L. E. Johnson, United States marshal, in and for the district of South Carolina aforesaid, in jail, by virtue of the judgment and sentence of the said court, rendered and pronounced, after a verdict of "guilty" found against your petitioner, on a certain bill of indictment found against your petitioner by the grand jury of the said court, for that he (and divers other persons in the said bill of indictment named,) together with divers other evil-disposed persons to the jurors aforesaid
2 as yet unknown, late of the county of York, in the State of South Carolina, at York County, in said district, and within the jurisdiction of this court, on the 6th day of March, 1871, unlawfully did conspire together with intent to violate the first section of the act entitled "An act to enforce the rights of the citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31st, 1870, by unlawfully hindering, preventing, and restraining divers male citizens of the United States, of African descent, above the age of 21 years, qualified to vote at any election by the people in said county, district, and State, from exercising the right and privilege of voting, and by other unlawful means not allowing them, the said male citizens, to vote at an election by the people, to be held on the 3rd Wednesday in October, A. D. 1872, within the county, district, and State aforesaid, contrary to the act of Congress in such case made and provided and against the peace and dignity of the United States.

And also for "that he (and the persons above named,) together with divers other evil-disposed persons to the jurors aforesaid as yet
3 unknown, late of York County, in the State of South Carolina, at York County, in said district, and within the jurisdiction of this court, on the 21st day of April, A. D. 1871, unlawfully did conspire together to injure Jim Williams, alias Jim Rainey, a citizen of the United States lawfully entitled to vote, in his person, on account of giving his support in a lawful manner in favor of the election of A. S. Wallace, a lawfully qualified person, as a member of Congress of the United States, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States.

And your petitioner further shows that the said last above-recited count of the said bill of indictment, is for an alleged violation of an act of the Congress of the United States of America, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved April 21st, 1871. Your petitioner further shows that he is advised by counsel learned in the law that he has been indicted, convicted, and sentenced,
4 and he is restrained of his liberty in violation of the Constitution of the United States.

Your petitioner therefore humbly prays your honors to grant him a writ of habeas corpus, to bring your petitioner before your honors, that the cause of commitment being known and seen, such further proceedings may be had thereon as are agreeable to law and justice.

FRANCIS W. FICKLING,
Att'y for Petitioner.

UNITED STATES OF AMERICA,
S. C. District:

Personally appeared before me, Robert H. Mitchell, the petitioner above-named, and made oath that the facts therein stated as of his own knowledge are true, and, in so far as they rest upon the information of others, he believes them to be true.

(Signed) R. H. MITCHELL.

Sworn and subscribed before me this 6th day of Jan'y, A. D. 1872.

THOMAS I. LAMOTTE,
U. S. Com's'r, S. C. Dist.

(Indorsed:) United States of America. District of South Carolina. In the circuit court, 4th circuit. Ex parte Robert H. Mitchell. Petition for writ of habeas corpus. Fickling, pro pet. (Copy.)

5 UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit.

IN RE ROBERT H. MITCHELL, PETITION FOR writ of habeas corpus.

Writ of habeas corpus.

To L. E. Johnson, esquire, United States marshal in and for the district of South Carolina:

You are hereby commanded that the body of Robert H. Mitchell, by whatever name the said Robert H. Mitchell is called, into and under custody, committed and detained, as it is said, together with the day and cause of caption and detention of the said Robert H. Mitchell, you have before us, the subscribing judges, at Columbia, immediately after the receipt hereof, to do and receive what the said judges shall then and there consider in that behalf; and have you then and there this writ.

Witness the Honourable Hugh L. Bond and George S. Bryan, judges of the circuit court in and for the circuit and district aforesaid, this 6th day of January, A. D. 1872.

Jan'y 10th, 1872.

GEO. S. BRYAN,
U. S. Judge Dist. S. Ca.

Teste: DAN'L HORLBECK,
C. C. C. U. S. for S. C.

(Indorsed:) United States of America, South Carolina district. In the circuit court, 4 circuit. Ex parte Rob't H. Mitchell. Copy. Writ habeas corpus.

6 UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit.

EX PARTE
ROBERT HAYES MITCHELL. } Habeas corpus.

The return of L. E. Johnson, United States marshal for the district of South Carolina, to the writ of habeas corpus in the above-stated case.

This respondent, for return to the said writ, says that he produces here in court the body of the said Robert Hayes Mitchell, together with the said writ.

This respondent further says that the cause of the caption and detention of the said Robert Hayes Mitchell is a commitment, after sentence, pronounced by the Honorable Hugh L. Bond, presiding judge of the said court, on the 28th day of December, A. D. 1871, after a verdict of guilty found by the petit jury of the said court, on a bill of indictment found against the said Robert Hayes Mitchell by the grand jurors
7 of the said court, on the 9th day of December, A. D. 1871, for conspiracy.

Jan. 10, '72.
(Signed) L. E. JOHNSON,
U. S. Marshal So. Ca.

8 UNITED STATES OF AMERICA,
District of South Carolina, 4th Circuit:

Stated term of United States circuit court, begun and holden at Columbia, South Carolina, on the 4th Monday of November, A. D. 1871—Hon. Geo. S. Bryan, U. S. district judge, presiding—

EX PARTE ROBERT H. MITCHELL.

A writ of habeas corpus having been granted in this case, and the prisoner, Robert Hayes Mitchell, produced in court, and the cause of his detention having been fully enquired into, F. W. Fickling, esq., having been heard on behalf of the prisoner, and D. T. Corbin, U. S. district att'y, on behalf of the United States, it is ordered and adjudged that said Robert Hayes Mitchell is lawfully detained, and that he be remanded to prison.

Jan'y 10th, 1872.
(Signed) GEO. S. BRYAN,
U. S. Judge Dist. S. C.

(Indorsed:) United States of America, district South Carolina. In the circuit court, 4th circuit. Ex parte R. H. Mitchell. Petition for habeas corpus. Order of court. Copy.

9 UNITED STATES OF AMERICA,
District of South Carolina, Fourth Circuit:

At a stated term of the circuit court of the United States, began and holden at Columbia, in said district, on the fourth Monday of November, A. D. 1871, the grand jurors of the United States, in and for said district, to wit:

upon their several & respective corporal oaths, do present: That Robert Hayes Mitchell, Sylvanus Shearer, William Shearer, Hugh H. Shearer, James B. Shearer, Hugh Kell, Henry Warlick, Eli Ross Stewart, alias Aley Stewart, James Neal, Addison Carroll, Milos Carroll, Josiah Martin, together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, late of York County, in the State of South Carolina, at York County, in said district, and within the jurisdiction of this court, on the sixth day of March, A. D. 1871, unlawfully did conspire together with intent to violate the first section of the act entitled "An act to enforce the rights of the citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870, by unlawfully hindering, preventing, and restraining divers male citizens of the United States, of African descent, above the age of 21 years, qualified to vote at any election by the people in said county, district, and State, from exercising the right and privilege of voting, and by other unlawful means, not allowing them, the said male citizens, to vote at an election by the people to be held on the third Wednesday of October, A. D. 1872, within the county, district, and State aforesaid, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States.

And the jurors aforesaid upon their oaths aforesaid, do further present, that Robert Hayes Mitchell, Sylvanus Shearer, Hugh H. Shearer, William Shearer, James B. Shearer, Hugh Kell, Henry Warlick, James Neal, Addison Carroll, Milos Carroll, Eli Ross Stewart, alias Aley Stewart, Josiah Martin, together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, late of York County, State of South Carolina, at York County in said district, and within the jurisdiction of this court, on the sixth day of March, A. D. 1871, unlawfully did conspire together with intent to oppress, threaten, and intimidate Jim Williams, alias Jim Rainey, a male citizen of the United States, of African descent, above the age of 21 years, qualified and entitled by law to vote at any election by the people in said county, district, and State, because he, the said Jim Williams, alias Jim Rainey, did exercise the right and privilege of voting at an election by the people in said county, district, and State, held on the third Wednesday of October, A. D. 1870, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States.

(Signed) D. T. CORBIN,
U. S. Dist Att'y S. C.

True bill.
9th Dec'r, '71.

BENJ. F. JACKSON, *Foreman.*

We find the defendant not guilty on the 1st count.
JOE TAYLOR, *Foreman.*

But on 2nd count, guilty.
JOE TAYLOR, *Foreman.*

(Indorsed:) United States of America, South Carolina district. U. S. circuit court. United States versus Robert Hayes Mitchell et al. Conspiracy against Jim Williams, alias Jim Rainey. Indictment. D. T. Corbin, U. S. dist att'y. Copy.

12 UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit.

EX PARTE ROBERT HAYES MITCHELL.

I, Daniel Horlbeck, clerk of the circuit court of the United States for the district of South Carolina, do hereby certify that the foregoing eleven pages contain a full, true, and perfect transcript of the proceedings in the above-stated case.

Witness my hand and the seal of the said court this 23d day of January, A. D. 1872.

[SEAL.] DAN'L HORLBECK,
C. C. C. U. S. for S. C.

(Indorsed:) Ex parte Robert Hays Mitchell. Habeas corpus.

13 THE UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit. Stated term, November 27th, A. D. 1871.

EX PARTE
ROBERT HAYES MITCHELL. } "Habeas corpus."

The petitioner, Robert Hayes Mitchell, having prayed an appeal to the Supreme Court of the United States from the order of this court, remanding the said petitioner to prison: It is, on motion of Mr. Fickling, for the petitioner, ordered that the said prayer for appeal be allowed.

Jan'y 15, 1872.

GEO. S. BRYAN,
U. S. Judge D. C. S. C.

[SEAL.] DAN'L HORLBECK,
C. C. C. U. S. for S. C.

14 THE UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit. Stated term, November 27, A. D. 1871.

EX PARTE
ROBERT HAYES MICHELL. } "Habeas corpus."

I, Daniel Horlbeck, clerk of the circuit court of the United States in and for the district of South Carolina, do hereby certify that the foregoing page is a transcript of the amendment of the record in the above-stated case, and that the same, together with the transcript heretofore certified by me, is a full, true, perfect, and complete transcript of the entire record in the above-stated case, as amended.

In witness whereof I have hereunto set my hand and affixed the seal of the said court, this 20 day of February in the year of our Lord one thousand eight hundred & seventy-two.

[SEAL.] DAN'L HORLBECK,
C. C. C. U. S. for S. C.

(Indorsed:) United States of America. District of South Carolina. In the circuit court, 4th circuit. Ex parte Rob't H. Mitchell. Habeas corpus. Order allowing appeal. Dan'l Horlbeck, C. C. U. S. for S. C. Fickling, pro pet. Transcript.

(Indorsement on cover:) No. 616. Ex parte Robert H. Mitchell, appellant. S. Carolina C. C. U. S. Filed 27th February, 1872.